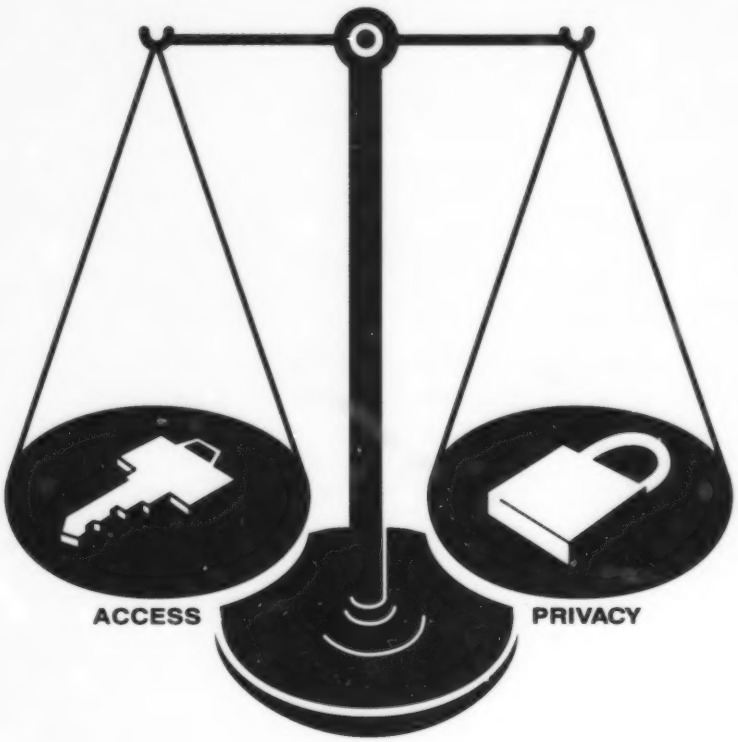
DISCUSSION PAPER



Freedom of Information and Protection of Privacy
PROVINCE OF BRITISH COLUMBIA

Extending Freedom of Information and Privacy Rights in British Columbia

DISCUSSION PAPER

EXTENDING FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY RIGHTS

September 1, 1992

93-00524/

TABLE OF CONTENTS

PAGE

Part A

I BACKGROUND 1

II LEGISLATIVE FRAMEWORK 2

III LEGISLATIVE OPTIONS 3

IV IMPLEMENTATION PLANNING 4

V LEGISLATIVE TIMETABLE 5

VI INVITATION TO PARTICIPATE 6

Part B

KEY PRINCIPLES AND PROVISIONS OF BILL 50 - *FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT* 7

DISCUSSION PAPER

EXTENDING FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY RIGHTS

PART A

BACKGROUND

Bill 50, British Columbia's *Freedom of Information and Protection of Privacy Act* ("the Act"), passed Third Reading on June 23, 1992. It covers all government Ministries and over 200 provincial government corporations, boards, commissions and agencies. Key commentators have described Bill 50 as the best legislation of its kind in Canada. They have praised the balance it achieves between the right of access to government held information and the government's need for confidentiality in limited circumstances. They have also applauded the strong privacy protection rights the Act provides British Columbians.

Specific features that have received favourable comment include,

- the strong statement of information rights and the duty of government to assist applicants requesting records,
- the powers given to British Columbia's Information and Privacy Commissioner to ensure that government meets its responsibilities under the legislation, particularly the Commissioner's power to order cessation of inappropriate personal information practices,
- the publication of a public records index which will list those government records which are available without a request for access under the Act,
- the conversion of class tested exceptions found in other FOI legislation into harm tested exceptions (i.e., harm must be demonstrated before information can be withheld),
- the reduction or assignment of time limits on exceptions,
- a strong and usable public interest override which applies to all exceptions and can be used even without a request,
- protection against the use of personal information for mailing lists or solicitations by telephone or other means,
- a 30 day time limit on extensions for responding to requests unless a longer period is approved by the Commissioner,
- a 90 day limit on the period of time the Commissioner may take to review a decision by the head of a public body, and
- the Act's plain language.

Bill 50 was the result of extensive consultation with a broad cross-section of public interest groups represented by an umbrella organization, the Freedom of Information and Privacy Association; other groups representing labour, business, professionals, librarians, the media; interested individuals; and many of those public bodies affected by the legislation.

Earlier this year when Bill 50 was introduced, the government announced its intention to extend freedom of information and protection of privacy rights to additional public bodies during the Spring 1993 legislative session. Public bodies to be covered include:

- municipalities and other local government agencies;
- local boards such as police, school and hospital boards;
- colleges and universities; and,
- self-governing professional bodies.

This discussion paper provides an overview of the legislative framework embodied in Bill 50, highlights some of the key policy issues and invites your comments and submissions prior to the development of legislation.

LEGISLATIVE FRAMEWORK

Bill 50 represents the government's legislative commitment to make public bodies more accountable to the public and to protect personal privacy. As such, it is the foundation for the extension of coverage to additional public bodies. Bill 50 strikes a careful balance between the right of access to government held information and the need for confidentiality in limited circumstances. It also provides for strong privacy protection safeguards.

Part B of this discussion paper provides a detailed explanation of the key principles and provisions of Bill 50.

The challenge is to determine how best to develop further legislation which achieves the same degree of openness and privacy protection as Bill 50, while at the same time being tailored to address any issues unique to the affected public bodies.

The extension of information and privacy legislation will affect a broad range of public bodies, some of which have been working on this issue for some time. While there is no best way to assess the impact of information and privacy legislation, several public bodies have taken the following approach:

- Establish a committee of your umbrella organization to deal with information and privacy issues.

- Review Bill 50 and identify concrete examples of information and privacy issues that are specific to your organization and/or are of particular concern.

- Consider how Bill 50 would apply to these issues. You may wish to contact your counterparts in other jurisdictions (if applicable) to see how they have dealt with these issues.

- Develop a submission and use these examples to highlight the specific changes needed to tailor Bill 50 to any circumstances unique to your organization.

As part of the consultation process, Information and Privacy Branch is available to answer questions on Bill 50 and provide contact names for other jurisdictions.

LEGISLATIVE OPTIONS

Other major jurisdictions in Canada which have extended coverage to local government public bodies have applied the same freedom of information and privacy protection provisions to both levels of government. They have differed, however, on the legislative approach. Options for extending coverage include:

- **Separate pieces of legislation for provincial and local government public bodies.**

  In Ontario, the provincial FOI Act went into effect in 1988 and covered a level of public bodies roughly equivalent to those covered by Bill 50. In 1991, a municipal FOI Act extended coverage to local government public bodies. The provincial and municipal legislation is equivalent, the differences being to reflect, for example, that local governments do not have cabinet confidences but rather have council confidences. The principle recognizing the need to protect such confidences and the substance of such deliberations is the same.

  Bodies covered under Ontario's Act include municipal corporations and other related entities incorporated under the *Municipal Act*, school boards, public utilities commissions, hydroelectric commissions, public library boards, boards of health, police commissions, conservation authorities, and other types of agencies, boards, commissions, or other bodies designated in the regulations.

- **Amendments to Bill 50 to incorporate coverage of local government public bodies.**

  This approach was used in Quebec where all public bodies are covered in one piece of legislation. The legislative provisions have been made more generic or generalized in order to incorporate all levels of public bodies (while not affecting the legislative intent).

- **Amendments to each of the legislative or other authorities which empower the various levels and types of local government bodies.**

  This approach has not been taken in any jurisdictions.

Both Ontario and Quebec recognized that while there are some obvious differences between provincial and local governments, the similarities of function, and in many cases, administrative structure, make the same freedom of information and privacy protection provisions feasible and necessary.

The information generated and held by local governments is similar to that in the custody or under the control of provincial government bodies.

IMPLEMENTATION PLANNING

Public bodies covered by Bill 50 have begun the preparations necessary to meet their new responsibilities under freedom of information and protection of privacy legislation even though Bill 50 will not be proclaimed until the Fall of 1993. During this period of transition provincial public bodies will be concentrating on upgrading records management and systems, training staff in their new responsibilities, and establishing the necessary administrative infrastructure to handle requests.

It is not too early for second tier public bodies to begin implementation planning. The initial step includes participating in the consultation process for extending coverage. For larger organizations, it may be useful, even at this early stage, to establish a freedom of information and privacy steering committee in your organization. This body can coordinate your participation in the consultation process and can initiate assessments of how freedom of information legislation will impact on your organization. Smaller organizations may wish to establish an implementation steering committee at the umbrella organization level.

Provincial ministries can be of assistance by sharing some of the planning steps they have taken for Bill 50. Once ready, training materials, information kits, records management materials, and policy manuals prepared for Bill 50 will be made available to assist you with implementation.

LEGISLATIVE TIMETABLE

September 1, 1992	Discussion Paper Issued.
September 1 - November 20, 1992	Public Input and Consultation.
November 20, 1992	Submission Deadline
November 1992 - March 1993	Policy Development and Preparation of Legislative Extension of FOI Coverage.
1993 Spring Session	Introduction of Legislative Extension of FOI Coverage.

Due to the timeframe for introduction of legislation, it will not be possible to consider submissions received later than November 20, 1992.

INVITATION TO PARTICIPATE IN THE CONSULTATION PROCESS

The government is committed to providing an opportunity for public bodies that will be covered by the extension of coverage and other interested parties to participate in the consultation process leading up to legislative development.

You are invited to comment on this Discussion Paper. Please submit your comments in writing no later than November 20, 1992, to:

Mr. Barry Jones MLA
Cabinet-Caucus Committee on
Information and Privacy
c/o Information and Privacy Branch
911 Yates Street, Suite 206
Victoria, British Columbia
V8V 4X3
FAX: (604) 387-1358 PHONE: (604) 387-1992

PART B

KEY PRINCIPLES AND PROVISIONS OF BILL 50 - *FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT*

The Act is divided into 6 parts:

Part 1	Introductory Provisions
Part 2	Freedom of Information
Part 3	Protection of Privacy
Part 4	Office and Powers of Information and Privacy Commissioner
Part 5	Reviews and Complaints
Part 6	General Provisions

Part 1 - Introductory Provisions

The Introduction to the Act provides a clear statement of its purposes and defines its scope.

The purposes of British Columbia's Act are to make government more accountable to the public and to protect personal privacy by:

- giving the public a right of access to records held by government,
- giving individuals a right of access to, and a right to request correction of, personal information about themselves,
- specifying limited exceptions to the rights of access,
- preventing the unauthorized collection, use and disclosure of personal information by government,
- providing for an independent review of decisions made under the Act.

The Act is not intended to replace existing procedures for access to information held by government. However, where government information is not available through other avenues, the Act provides the public with a right to that information and specifies the limited exceptions to that right of access.

The Act applies to all records in the custody or under the control of provincial government public bodies. These public bodies include:

- Ministries,
- Crown corporations,
- provincial boards, commissions, agencies and other entities listed in Schedule 2,

- courts administration,
- the administrative records of the following Officers of the Legislature: the Auditor General, the Ombudsman, the Conflict of Interest Commissioner and the Information and Privacy Commissioner,
- records in the custody or under the control of government related to the performance of government services by contractors.

The Act does not cover: judicial records; published records; private records (non-government records) donated to the British Columbia Archives and Records Service or the archives of other public bodies; personal notes, communications, or draft decisions of a person who is acting in a judicial or quasi-judicial capacity; or questions that will be used on an examination or test.

Part 2 - Freedom of Information

Part 2 is comprised of four divisions:

Division 1 - Information Rights and How to Exercise Them
Division 2 - Exceptions
Division 3 - Notice to Third Parties
Division 4 - Public Interest Paramount

Division 1 - Information Rights and How to Exercise Them

Division 1 outlines the "information rights" of British Columbians. A person who makes a request under this Act has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant. While this right of access does not extend to information excepted from disclosure under the legislation, if excepted information can reasonably be severed from a record, an applicant has the right of access to the remainder. The Act places a duty on public bodies to supply requested information as quickly as possible and not later than 30 days after the request is received. Extensions of this deadline are limited to specific situations and to an additional 30 day period, unless a longer period is approved by the Information and Privacy Commissioner.

Division 2 - Exceptions

Division 2 specifies the limited circumstances where it would be harmful to the public interest to disclose the information requested. The categories of exceptions match those in other Canadian jurisdictions. These exceptions include:

- Cabinet confidences, including information that would reveal the substance of deliberations of the Executive Council or any of its Committees, including any

advice, recommendations, policy considerations, or draft legislation or regulations submitted to or prepared for submission to Cabinet or any of its Committees. A head cannot refuse to disclose under this exception:

- records that have been in existence for 15 years;
- information in a record of a decision made by Cabinet or its committees on an appeal under an Act; or,
- background explanations or analysis presented to Cabinet or its committees for consideration in making a decision if the decision has been made public, the decision has been implemented, or 5 years have passed since the decision was made or considered.

- Policy advice, recommendations and draft regulations developed by or for government if that information is under 10 years old.

  A head cannot refuse to disclose under this exception[1]:

  - factual material;
  - public opinion polls;
  - statistical surveys;
  - appraisals;
  - economic forecasts;
  - environmental impact statements;
  - final reports or final audits on government performance or efficiency;
  - consumer test reports;
  - feasibility or technical studies;
  - reports on field research;
  - task force reports or reports of similar bodies;
  - program plans or proposals, if approved or rejected by a head;
  - information cited publicly by the head of a public body; or,
  - a decision, including reasons, made in the exercise of a discretionary power or adjudicative function.

- Legal advice, that is, privileged communications between a solicitor and client. The test for non-disclosure is common law solicitor-client privilege.

---

[1] Other exceptions may apply. For example, the release of a recent real estate appraisal on a property to be purchased by the government may harm the economic interest of the province and could be excepted under the Economic Harm Exception.

- Information harmful to law enforcement activities. This includes information which if disclosed could reasonably be expected to:

  - harm a law enforcement matter;
  - prejudice the defence of Canada, or of any foreign state allied to or associated with Canada or harm the detection, prevention or suppressions of espionage, sabotage or terrorism;
  - harm the effectiveness of investigative techniques and procedures;
  - reveal the identity of a confidential source of law enforcement information;
  - endanger the life or physical safety of a law enforcement officer or other person;
  - reveal any information relating to or used in the exercise of prosecutorial discretion;
  - deprive a person of the right to a fair trial or impartial adjudication;
  - reveal confiscated records;
  - facilitate the escape from custody of a person under lawful detention;
  - facilitate the commission of an offence under an enactment of British Columbia or Canada; or,
  - harm the security of any property or system, including a building, a vehicle, a computer system or a communications system.

  The head of a public body may also refuse to disclose information if it:

  - is in a law enforcement record and the disclosure would be an offence under an Act of Parliament,
  - is in a law enforcement record and the disclosure could reasonably be expected to expose to civil liability the author of the record or a person who has been quoted or paraphrased in the record, or
  - is about the history, supervision or release of a person who is under sentence and the disclosure could reasonably be expected to harm the proper custody or supervision of that person.

  This exception does not include reports prepared in the course of routine inspections by agencies enforcing compliance with Acts, reports on the degree of success of law enforcement programs or statistical information on decisions under the *Crown Counsel Act* to approve or not to approve prosecutions.

  If the applicant is aware of the police investigation, reasons for a decision not to prosecute cannot be withheld after the police investigation is completed.

- Information harmful to intergovernmental relations or negotiations of British Columbia.

  This exception will apply for 15 years to information which, if disclosed, could

reasonably be expected to harm the conduct by the government of British Columbia of relations between that government and other governments or their agencies (including aboriginal governments), reveal information received in confidence from other governments or their agencies, or harm the conduct of negotiations relating to aboriginal self government or treaties.

Cabinet must consent to the release of this type of information if it is to be released prior to the 15 year time limit.

- Information harmful to the financial or economic interests of a public body or the government.

  This exception will cover information which, if disclosed, could reasonably be expected to harm the financial or economic interests of a public body or the government or harm the ability of the government to manage the economy of the province. This information would include trade secrets, information of commercial value, management or administrative plans not yet implemented, information which, if disclosed prematurely, could result in undue loss or gain to a third party, or information on negotiations.

  This exception does not apply to the results of product or environmental testing carried out by or for a public body.

- Information which, if disclosed, could result in damage to, or interfere with the conservation of fossil sites, natural sites or sites that have an anthropological or heritage value; endangered, threatened or vulnerable species; subspecies or races of plants, vertebrates or invertebrates; or any other rare or endangered living resources.

- Information which, if disclosed, could reasonably be expected to threaten an individual's safety or mental or physical health, or interfere with public safety. Personal information about the applicant may be withheld from the applicant if the information could result in immediate and grave harm to the applicant's safety or mental or physical health.

- Information that is published and available for purchase, or information that will be published or released within 60 days.

- Information harmful to the business interests of a third party. This exception applies to trade secrets or information of commercial value supplied in confidence by a third party that, if released, could reasonably be expected to harm significantly the competitive position of that third party, result in undue loss or gain to any person or organization, result in the information no longer being supplied, or reveal information on a labour relations dispute.

- Personal information, except when requested by the individual to whom the information relates, if disclosure would be an unreasonable invasion of personal privacy. The Act provides direction in determining when disclosure would be an unreasonable invasion of privacy.

Division 3 - Notice to Third Parties

Division 3 ensures that before giving access to a record that the head has reason to believe may contain personal or third party business information, the head must, where practicable, give the third party an opportunity to explain why the release would result in harm to their personal or business interests.

Division 4 - Public Interest Paramount

Division 4 provides a public interest override for all exceptions. Whether or not a request for access is made, the head is required to disclose to the public, an affected group, or an applicant information about a risk of significant harm to the environment or to the health or safety of the public or a group, or information the disclosure of which, for any other reason would be clearly in the public interest.

Part 3 - Protection of Privacy

Part 3 has two divisions:

Division 1	Collection, Protection and Retention of Personal Information by Public Bodies
Division 2	Use and Disclosure of Personal Information by Public Bodies

Division 1 - Collection, Protection and Retention of Personal Information by Public Bodies

Division 1 ensures that no personal information may be collected by a public body unless the collection of that information is expressly authorized by law, the information is collected for the purposes of law enforcement, or the information relates directly to and is needed for an operating program or activity of that public body.

Except for certain specified instances, the government must collect personal information directly from the individual it is about. The government must also tell an individual from whom it collects personal information the purpose for collecting it, the legal authority for collecting it, and where the individual might receive answers to questions about the collection.

Division 2 - Use and Disclosure of Personal Information by Public Bodies

Division 2 requires that a public body must use personal information only for the purpose for which it was obtained, for a use consistent with that purpose, for a use consented to by the individual, or for specified other purposes for which information may be disclosed.

Under the Act, personal information may only be used or disclosed:

- in accordance with Part 2 (see section 22 in particular);
- if the individual the information is about has consented;
- for the purpose it was obtained or compiled or for a use consistent with that purpose (see section 34);
- to comply with an enactment of, or with a treaty, arrangement or agreement made under an enactment of British Columbia or Canada;
- to comply with a subpoena, warrant or court order;
- to an officer or employee of the public body or to a minister if the information is necessary for the performance of duties of that officer, employee or minister;
- to the Attorney General for use in civil proceedings involving the government;
- to the Attorney General or a person referred to in section 37 of the *Coroner's Act*;
- for the purpose of collecting a debt owed to the government or making a payment owing to an individual;
- to the Auditor General or other prescribed body or person for audit purposes;
- to a member of the Legislative Assembly who has been authorized by an individual to act on their behalf;
- to a representative of a bargaining agent who has been authorized to act on behalf of an employee;
- to the British Columbia Archives and Records Service, or archives of a public body, for archival purposes;
- to a public body or law enforcement agency in Canada to assist in a law enforcement matter;
- if the public body is a law enforcement agency and the information is disclosed to another law enforcement agency in Canada, or to a foreign law enforcement agency under agreement, treaty or legislative authority;
- if the head of a public body determines that compelling health or safety circumstances require disclosure and a notice of disclosure is mailed to the individual;
- to allow contact with a next of kin or a friend of an injured, ill or deceased individual; or,
- in accordance with sections detailing uses for research, statistical, archival or historical purposes.

The Act defines that a use of personal information is consistent with the purposes for which it was obtained or compiled if the use has a reasonable and direct connection to

that purpose, *and* is necessary for a public body to perform its statutory duties or meet its responsibilities under an authorized program. The Minister responsible for this legislation will be required to publish annually a list of the consistent purposes for which personal information has been used or disclosed.

Personal information may also be disclosed for research purposes, including statistical research, under specified terms and conditions. The Act also allows the British Columbia Archives and Records Service, or the archives of a public body to disclose personal information for archival or historical purposes if the disclosure would not be an unreasonable invasion of personal privacy as defined in the Act, the disclosure is in accordance with terms and conditions noted above, the information is about someone who has been dead for more than 20 years, or the information is in a record that has been in existence for more than 100 years.

Part 4 - Office and Powers of Information and Privacy Commissioner

The Information and Privacy Commissioner of British Columbia will be an Officer of the Legislature and will be appointed by the Lieutenant Governor on unanimous recommendation of a Special Committee of the Legislative Assembly. The appointment will be for a non-renewable 6 year term.

The Commissioner will generally be responsible for monitoring how British Columbia's freedom of information and protection of privacy legislation is administered and ensuring that its purposes are achieved. In fulfilling these responsibilities, the Commissioner may:

- conduct investigations and audits to ensure compliance with the Act;
- in certain circumstances, make orders whether or not a review is requested;
- inform the public about this legislation;
- receive comments from the public concerning the administration of the legislation;
- engage or commission research into anything affecting the achievement of the purposes of the legislation;
- comment on the implications for access to information or for protection of privacy of proposed legislative schemes or programs of public bodies;
- comment on the implications for access to information or for protection of privacy of automated systems for collection, storage, analysis or transfer of information;
- comment on the implications for protection of privacy of using or disclosing personal information for record linkage;
- authorize the collection of personal information from sources other than the individual to whom it relates; and,
- bring to the attention of a public body any failure to meet the prescribed standards for fulfilling the duty to assist applicants.

The Commissioner may also investigate and attempt to resolve complaints that

- the duties imposed by this Act or regulations have not been performed, e.g. to assist applicants, to respond openly, accurately, and completely to a request, or to produce a record;
- an extension of time for responding to a request is not in accordance with the legislation;
- a fee required under this Act is inappropriate;
- a request for correction of personal information has been refused without justification; and,
- personal information has been collected, used or disclosed by a public body in contravention of Part 3.

A provision not found in this type of legislation in other jurisdictions but warranted because of experiences in Ontario, empowers the Commissioner to authorize, if the head of a public body requests, the public body to disregard requests that, because of their repetitious or systematic nature, would unreasonably interfere with the operations of the public body.

Part 5 - Reviews and Complaints

There are 2 divisions in Part 5:

Division 1	Reviews by the Commissioner
Division 2	Complaints About and Reviews of the Commissioner's Decisions as Head of a Public Body

Division 1 - Reviews By the Commissioner

Division 1 provides the right for any person who has made a request for access to a record or for correction of personal information to ask the Commissioner to review any decision, act or failure to act of the head of a public body in respect of that request, including anything that could be the subject of a complaint as detailed in the legislation (See section 42).

Third parties notified of a request for access also may ask the Commissioner to review any decision made by the head of a public body.

If a matter under review is not settled during a mediation stage, the Commissioner will be required to conduct an inquiry and may decide all questions of fact and law arising in the course of the inquiry. The applicant, the head of the public body, and any person given a copy of the request for review must be given an opportunity to make representations to the Commissioner during an inquiry. The Commissioner will decide

the nature of representations and the attendance at an inquiry. An inquiry must be completed within 90 days after receiving the request for review.

Under this legislation, in an inquiry where access has been denied to all or part of a record, the head of the public body must prove that the applicant has no right of access to the information requested.

If the record or part that the applicant is refused access to contains personal information about a third party, it is up to the applicant to prove that disclosure of the information would not be an unreasonable invasion of the third party's personal privacy.

If the inquiry is into a decision to give an applicant access to all or part of a record containing information that relates to a third party, for personal information it is up to the applicant to prove that disclosure would not be an unreasonable invasion of the third party's personal information, and for other information, it is up to the third party to prove that the applicant has no right of access to the information.

On completing an inquiry, the Commissioner must dispose of the issues through an order.

If the inquiry is into a decision of the head of a public body to give or to refuse to give access to all or part of a record, the Commissioner may, by order:

- require the head to give the applicant access to the record or part of the record, if the Commissioner determines that the head is not allowed or required to refuse access;
- either confirm the decision or require the head to reconsider it, if the Commissioner determines that the head is authorized to refuse access;
- require the head to refuse access to the record or part, if the Commissioner determines that the head is required to refuse access.

If the inquiry is into another matter, the Commissioner may, by order:

- require that a duty imposed by this Bill be performed;
- confirm or reduce the extension of a time limit;
- confirm or reduce a fee or order a refund;
- confirm a decision not to correct personal information or specify how personal information is to be corrected;
- require a public body to stop collecting, using or disclosing personal information in contravention of this Bill;
- require the head of a public body to destroy personal information collected in contravention of this Bill.

The head of a public body will have 30 days to comply with an order.

Division 2 - Complaints About and Reviews of the Commissioner's Decisions as Head of a Public Body

Division 2 empowers the Lieutenant Governor to designate a person who is judge of the Supreme Court to act as an adjudicator to investigate complaints made against the Commissioner as head of a public body, and to review, if requested, any decision, act or failure to act of the Commissioner as head of a public body.

For this review the adjudicator has the powers, duties and functions of the Commissioner.

Part 6 - General Provisions

The Act permits heads of public bodies to delegate their powers.

The Minister responsible for the Act may establish a consultative committee to make recommendations to the Minister about its operation.

The Minister responsible for the Act will publish a directory to assist in identifying and locating records. The Directory must include information on the mandate and functions of each public body and its components, a description and list of the records in the custody or under the control of each public body, a subject index, and the name, title, business address, and business telephone number of the head of each public body.

The Minister responsible must also ensure that copies of the Directory are available at public libraries, other prescribed libraries in British Columbia, and at offices of public bodies. The Minister must also publish and distribute, at intervals of 2 years or less, supplements or replacements to keep the Directory up to date.

Under the Act, the head of a public body may prescribe categories of records which are available for dissemination to the public without a request for access. The head may ask a person who asks for a copy of an available record to pay a fee for the copy.

To assist in disseminating information to the public, the Minister responsible for the Act is required to publish annually an index of reports and other records prepared in each category that are available to the public without a request.

Under the Act, access to one's own personal information is provided free of charge. Access to other records may require payment of a fee for locating and retrieving a record if it takes over 3 hours, producing a record, preparing the record for disclosure, shipping and handling the record, or providing a copy of the record.

The head of a public body may excuse an applicant if, in the head's opinion, the

applicant cannot afford the payment or for any other reason it is fair to excuse payment, or the record relates to a matter of public interest, including the environment or public health or safety.

Fees for categories of commercial applicants may differ from other applicants.

The Lieutenant Governor may make regulations for any purpose contemplated by the Act.

A Special Committee of the Legislature must begin a comprehensive review of the Act within 4 years after it comes into force and must submit its report (including recommended amendments) to the Legislature within one year after beginning the review.

Queen's Printer for British Columbia©
Victoria, 1992